

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OMAR GUTIERREZ,	:	Case No. 2:22-cv-02039
	:	
Plaintiff,	:	District Judge Algenon L. Marbley
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
CHRISTOPHER J. BURCHINAL, et al.,	:	
	:	
Defendants.	:	
	:	

REPORT AND RECOMMENDATION

Plaintiff, an inmate proceeding without the assistance of counsel, filed this civil rights action against a state police detective and the attorney appointed to represent him on state criminal charges. In a Report and Recommendation dated June 17, 2022, the undersigned magistrate judge recommended that the complaint be dismissed in its entirety. (Doc. 4.) The June 17, 2022 Report and Recommendation is currently pending before the district judge.

Plaintiff has now filed a one-paragraph Motion to Amend Complaint. (Doc. 6.) “To meet the particularity requirements of Rule 7(b), ‘a complete copy of the proposed amended complaint must accompany the motion [for leave to amend] so that both the Court and opposing parties can understand the exact changes sought.’” *Williams v. Zumbiel Box & Packaging Co.*, Case No. 04-cv-675, 2005 WL 8161971, *1 (S.D. Ohio Feb. 3, 2005) (citation omitted). Plaintiff has failed to comply with Rule 7(b). His motion

to amend does not attach a copy of the proposed amended complaint or inform the Court regarding how he seeks to amend his complaint.

Rather, Plaintiff asserts without explanation that he seeks to amend “so that the claim for relief pertaining to Officer Shawn Wade can be removed and any filing deficiencies can be cured.” (Doc. 6, PageID 129.) The Court has reviewed Plaintiff’s complaint in light of this quoted statement and finds no basis upon which to reconsider its June 17, 2022 Report and Recommendation.

IT IS THEREFORE RECOMMENDED THAT the Report and Recommendation of June 17, 2022 (Doc. 4) be adopted in its entirety and that Plaintiff’s Motion to Amend Complaint (Doc. 6) be **DENIED**.

Procedure on Objections

If any party objects to this Report and Recommendation (Report), that party may, within fourteen (14) days of the date that this Report was filed, file and serve written objections to specific findings or recommendations along with supporting authority for the objection(s). A District Judge will then make a *de novo* determination of the portions of the report, findings, or recommendations to which objection is made. The District Judge may accept, reject, or modify, in whole or in part, this Court’s findings or recommendations, may receive further evidence, or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are advised that a failure to object to the Report will result in a waiver of a party’s right (1) to have the District Judge review the Report *de novo* and (2) to

appeal a decision of the District Court adopting the Report. *See Thomas v. Arn*, 474 U.S. 140 (1985); *U.S. v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Caroline H. Gentry
Caroline H. Gentry
United States Magistrate Judge